

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

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## MONDAY, NOVEMBER 17, 2014

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairperson Holmquist led the Pledge of Allegiance.

**Chairperson Holmquist opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairperson Holmquist closed the public comment period.**

### **MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS**

#### **9:15:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Fairground Operations Manager Mark Campbell, Clerk Kile

Campbell met with the commission and reviewed the following monthly report.

### **FLATHEAD COUNTY FAIRGROUNDS**

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#### Current Projects

- Grandstand Renovation project – work is completed. Discussions with contractor and their representatives continue regarding final pay application submitted and differences. Mediation set for early December.
- Fairgrounds Infrastructure phase 1 work is fully complete with as-built drawings being finalized. Design of phase 2 has begun with bid documents expected in December or early January.
- Trade Center floor re-sealing is planned for December.
- One quote was received for Grandstand restroom heater replacement by Carson Brothers. Replacement price was lower than expected at \$1,820. Proceeding with this project.

#### NW Montana Fair & Rodeo

- Holding post fair meetings with Superintendents of the competitive departments for changes and direction in 2015.
- Continuing to research options for 2015 Fair entertainment. This includes what to do with the Sunday program to ensure the best possible results.
- Adjusting cash handling procedures for office and gates that will improve efficiency and accuracy in all areas. Improvements were seen in 2014, but further work needs to be done.

#### Flathead County Fairgrounds

- Election operations are winding down following November 4th. Participation was high and functions from a facility aspect went smoothly.
- Continued work on calendar of events and ways to share that information to the public.

#### Upcoming Events and Activities

- Roller Derby Bout – Nov 15<sup>th</sup>
- High School Pole Vault practice – Mondays and Wednesdays
- Pickleball – Tuesday and Thursdays
- Artist and Craftsmen of the Flathead – November 28-30<sup>th</sup>
- 4H Shooting Sports begins – Nov through Feb
- Children's Advocacy Concert – December 3<sup>rd</sup>
- Up In Arms Gun Show – Dec 5-7
- County Holiday Lunch – Dec 5
- FWP Wolf Trapper Certification – Dec 6
- Three Rivers Bank Dinner – Dec 11<sup>th</sup>
- Sheriff Department Holiday Dinner – Dec 12<sup>th</sup>

### **MONTHLY MEETING W/ LISA SHEPPARD, AOA**

#### **9:30:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, AOA Director Lisa Sheppard, Clerk Kile

Sheppard reviewed the following monthly report with the commission.

### **AOA DIRECTOR**

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#### **Budget**

- County Finance staff is assisting us to reconfigure some accounts to aid in state and federal reporting requirements.

#### **State/Legislative Issues**

- Development of Area Plan for October 2015-September 2019:
  - The AOA Advisory Council participated in a focus group at its November meeting to provide community input on senior needs and AOA services. Several members offered to help facilitate other public meetings between now and mid-February to satisfy plan requirements.
- Lisa participated with representatives of other service providers in a small group meeting with DHHS Director Richard Oppen regarding geriatric mental health needs in Flathead Valley.
- Lisa attended the M4A meeting in Helena October 29 and was elected president for a two-year term.

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

- DPHHS is in the process of applying for a grant from the National Council on Aging (NCOA) that if awarded would provide us with \$100,000 over a 15-month period (March 2015-May 2016) to increase benefits/services enrollment for area seniors and people with disabilities who are Medicare beneficiaries. (NCOA is a nonprofit service advocacy organization representing older adults and the agencies that serve them.)
- Note: Lisa was scheduled to speak with Maarten Fischer of A Plus Health Care at the Gerontological Society of America Annual Scientific Meeting (Nov 5-9) about the benefits of the Lifeside Farm program for older adults. Due to a family emergency, Lisa was unable to attend. However, Maarten presented and the information was very well-received with a number of participants requesting assistance in developing similar programs in other states.

**Building**

- **New building:**
  - CTA has developed preliminary plans. Minor modifications to the AOA area are in process.
  - CTA presented preliminary plans to Kalispell Senior Center members on 11/14/14. The response was very positive.
- **Kelly Road:** Nothing to report.

**Advisory Council**

- The Council met on 11/7/14 and participated in a guided discussion to inform the development of the new Area Plan. The next meeting will be a potluck on 12/11/14 to thank outgoing members.

**Outreach/Education/Media** - Increased outreach is a goal in our Area Plan on Aging (Oct. 2011- Sept. 2015). Note: Transportation related outreach will be noted in the Eagle Transit section below.

- 10/3/14 Lisa attended the Columbia Falls potluck to promote upcoming events. Approximately 50 people in attendance
- 10/6/14, Lisa was interviewed on KGEZ (regular spot.)
- 10/10/14, Lisa participated in a joint interview with Commissioner Scott on KGEZ
- 10/9/14, Outreach Coordinator Christine Neater had an AOA info booth at the Senior Health Fair at Prestige Assisted Living in Kalispell, approximately 30 people visited the booth
- 10/17/14, Christine was featured on KOFI to promote the Legal Document Clinic
- 10/21-22, Christine had an AOA info booth at the Geriatric Mental Health Conference, approximately 60 people visited the booth
- 10/23/14, Christine presented on AOA programs and volunteer opportunities to 12 people at the Lakeside Gathering Place
- 10/25/15, AOA staff had an info booth at the Health Expo at the Red Lion Hotel, approximately 40 people visited the booth
- 10/30/14, RSVP staff arranged a tour of the Lifeside Farm program to attract potential volunteers
- RSVP ran an ad recruiting veterans to serve veterans in the Oct/Nov issue of Senior Montana News
- Daily Inter Lake Daybook in September for AOA Advisory Council Meeting

**Eagle Transit**

- We are in the process of migrating to the RouteMatch servers for a three-month trial to determine if using the RouteMatch servers instead of the County servers will eliminate the frequent system errors we encounter when operating the software.
- Two driver positions are in the interview process.
- Outreach/Education/Media: Weekly radio ads on KOFI plus ad in Daily Inter Lake on 10/29/14
- Montana Department of Transportation (MDT) 1<sup>st</sup> quarter report submitted and funds requested in October.
- Glacier National Park:
  - The Cooperative Agreement modification that is due in December 2014 has been sent to Tara for review.
  - Final expenditures for the Agreement year ending Sept 30, 2014 were \$784,559.59 (budget \$800,000).
- Expanded routes: Hours will be expanded in Columbia Falls and Whitefish once the driver positions are filled and the new drivers trained.
- Transportation Advisory Committee (TAC) met 11/6/14 at Heritage Place. The next meeting will be 12/4/14.

**Nutrition**

- Educational materials and the "Senior Scoop" are sent out monthly to all Meals on Wheels and nutrition sites (approximately 300 recipients). October was about the health benefits of almonds.
- Two Cook positions (Cook I and Cook II) are in the final interview process.
- John Taft, beloved AOA cook for 36 years, was honored for his service at a potluck on 11/7/14.

**I & R/Assistance**

- The Legal Documents Clinic was held at the Whitefish Community Center on 10/22/14. More than 50 people received free assistance.
- New data reports: of active clients assessed
  - 62% are at moderate to high risk based on physical health needs
  - 16% have significant mental health needs
  - 64% need help with household and personal tasks
  - 60% live alone
  - 37% have at least one life factor rated at the highest risk category

**RSVP**

- Grant update: The following required grant reports have been submitted:
  - Semi-annual Federal Financial Report
  - 2<sup>nd</sup> quarter (July-Sept) financial report and reimbursement request
  - Active workstation roster
  - Quarterly progress report
- RSVP staff continue to change database entries according to the new grant requirements, which will have an impact on how statistics are tracked and calculated.
- The fall newsletter was distributed.
- The Winter Ready program is in full swing. Hats and mittens distribution starts today.

**Senior Mobile Home Repair**

- Advisory Board meeting was held on 11/11/14. Next meeting 12/9/14.
- 1 project was completed and 14 are in progress
- The Flathead Builders Association recognized the valuable service provided by the program on 10/21/14.
- Funding:
  - Application submitted to the Lambros Foundation for \$5000.

**Senior Centers** - A primary AOA focus is outreach to area Senior Centers to build relationships, extend support, and explore new opportunities for partnership.

- The CDBG planning grant project to evaluate the senior centers is progressing.
- Whitefish: Pumpkin carving on 10/30; immunization clinic on 11/10/14; advanced care planning workshop on 11/12; upcoming writers' workshop with Jess E. Owen on 11/22.
- Kalispell: Members are gearing up for their annual "It's a Wrap" fundraiser which will be held at the Kalispell Center Mall starting Black Friday, 11/28/14. Volunteers wrap gifts for a donation. All proceeds go to benefit center programs.
- Columbia Falls: Annual Night of Lights fundraiser at the center on Dec. 5.

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**(Continued)**

Performance Measures Tables - October 2014 (FY 2015)										
										33.33%
MEASURE	FY 2013 Actuals	FY 2014 Target	FY 2014 Actuals	FY 2014 % of Target	FY 2014 as % FY 2013	Oct. 2014	Total Last Report	Total/Avg. to Date	FY 2015 Target	% Target
# Receiving Independent Living Services	317	350	319	91%	101%	not yet available	211	211	350	60%
# Receiving Meals on Wheels	349	373	451	121%	129%	24	260	284	350	76%
# of Seniors Receiving Congregate Meals	817	832	858	103%	105%	60	507	567	820	68%
# of Eagle Transit Dial-A-Ride Customers	368	470	787	167%	214%	total only	787	787	550	167%
# Eagle Transit DAR unduplicated riders for FY	N/A	N/A	N/A	N/A	N/A	YTD totals only	332	332		
# of RSVP Volunteer Hours	40,468	32,000	49,018	153%	121%	YTD thru Sept, totals only	8,915	8,915	32,000	28%
% of Service Recipients at Moderate to High Risk of Institutionalization	N/A	70%	88%	126%	N/A	86%	85%	86%	70%	122%
Per Meal Cost of Nutrition Services	\$6.88	\$6.00	\$6.28	105%	91%	\$5.78	\$5.60	\$5.78	\$6.50	89%
% of Annual Survey Respondents Who Indicate Overall Satisfaction with AOA Services	N/A	90%	survey will occur in FY 2015	N/A	N/A	98%	N/A	98%	90%	109%
Maximum of 4 Public Complaints About Transportation Services per month (48 annual total)	N/A	60	17	28%	N/A	3	8	11	48	23%

  

WORKLOAD INDICATOR	FY 2013 Actuals	FY 2014 Target	FY 2014 Actuals	FY 2014 % of Target	FY 14 as % FY 13	Oct. 2014	Total Last Report	Total/Avg. to Date	FY 2015 Target	% Target
<b>Outreach/Education/Media</b>										
Public Outreach/Education/Media Efforts	35	48	93	194%	266%	10	31	41	60	85%
<b>Nutrition</b>										
Meals Served	69,510	78,000	80,001	103%	115%	7,413	20,747	28,160	77,000	37%
Nutritional Assessments Conducted	N/A	560	539	96%	N/A	126	749	875	560	156%
<b>Transportation</b>										
Total Ride Count	93,833	96,000	94,535	98%	101%	8,833	24,021	32,854	94,000	35%
Dial-A-Ride Count	34,083	40,320	25,662	64%	75%	2,655	7,143	9,798	32,900	30%
City, Commuter and Other Ride Count	59,750	55,680	68,873	124%	115%	6,178	16,878	23,056	61,100	38%
Eagle Transit Outreach/Special Events	N/A	N/A	N/A	N/A	N/A	1	6	7	8	88%
<b>Information and Referral/Assistance</b>						Sept 2014				
Info and Referral/Assistance Contacts	15,896	16,300	16,666	102%	105%	1414	2,876	4,290	16,300	26%
<b>Independent Living</b>						Sept 2014				
Homemaker Units of Service	3,318	3,780	3,065	81%	92%	239	470	709	3,187	22%
Escorted Transportation Units of Service	1,845	1,768	2,285	129%	124%	227	341	568	2,813	20%
Respite Units of Service	2,742	2,932	2,348	80%	86%	186	394	580	3,000	19%
Community Support Units of Service	N/A	N/A	419	N/A	N/A	42	118	160	375	43%
Home Chore Jobs	N/A	N/A	N/A	N/A	N/A	0	33	33	N/A	N/A
Personal Care Units of Service	N/A	N/A	N/A	N/A	N/A	76	53	129	N/A	N/A
Medicare/Insur. Counseling Units of Service	1,793	1,300	1968	151%	110%	170	206	376	1,793	21%
Ombudsman consults/cases opened	N/A	N/A	N/A	N/A	N/A	not yet available	41	41	45	91%
<b>RSVP</b>										
Volunteers Recruited/Enrolled	493	500	411	82%	83%	YTD totals only	401	401	400	100%
Volunteer Work Stations Developed and Maintained	59	60	87	145%	147%	YTD totals only	72	72	50	144%
RSVP Newsletters Produced and Distributed	4	6	4	67%	100%	1	1	2	4	50%

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PORTION OF LUPFER ROAD/ 60-FOOT DECLARED COUNTY ROAD**

**10:00:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Krueger made a **motion** to adopt Resolution 2397 and authorize publication of the Notice of Public Hearing. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**RESOLUTION NO. 2397**

WHEREAS, Flathead County has laid out, surveyed, built, enlarged and maintained Lupfer Road for many decades, as shown on Certificates of Surveys and plats, from its beginning at U.S. Highway 93, North of Whitefish, Montana, and proceeding generally Northeasterly through the E½NE¼ of Section 3, Township 31 North, Range 23 West, P.M.M.; thence generally Easterly through the N½ of Section 2, Township 31 North, Range 23 West, P.M.M.; thence generally Northerly through the NW¼, of Section 1 and the NE¼ NE¼ NE¼, of Section 2, Township 31 North, Range 23 West, P.M.M. to the Southern boundary of said Section 35, Township 32 North, Range 23 West, P.M.M., all in Flathead County, Montana, including but not limited to portions as Shown on Exhibit 1 attached hereto;

WHEREAS, it has recently come to the attention of the Board of Commissioners that proceedings before this Board in the early to middle twentieth century did not include the full roadway when declaring Lupfer Road to be a County Road; and

WHEREAS, the records of Flathead County clearly indicate that Lupfer Road is a declared county road from its starting point at U.S. Highway 93 to the western boundary of the SE¼NE¼ of Section 2, Township 31 North, Range 23 West, P.M.M.; and

WHEREAS, Section 7-14-2101(3), M.C.A., provides that the boards of county commissioners may, after notice and public hearing, accept by resolution a road that has not been considered a declared county road but that has been laid out, constructed, and maintained with county funds; and



**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

WHEREAS, Flathead County desires to hold a public hearing in order to receive input from the public as well as from landowners who may or may not depend upon Lupfer Road to access their property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that a hearing on the matter on whether or the Flathead County should adopt Lupfer Road as a County Road shall be held on the **18th day of December, 2014, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Third Floor Old Courthouse, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed acceptance of a portion of Lupfer Road as a 60 foot declared County Road. Written public comment shall be received and reviewed by the Board of Commissioners of Flathead County if provided at least three business days prior to the hearing.

Dated this 17<sup>th</sup> day of November, 2014.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Diana Kile  
Diana Kile, Deputy

By/s/Calvin L. Scott  
Calvin L. Scott

**Exhibit 1**

MPM Mac, LLC - Tract 1, Certificate of Survey No. 14650, Document No. 201000007264

A public right-of-way easement within Tract 1, Certificate of Survey No. 14650, described in Document No. 201000007264, records of Flathead County, Montana and located in the Southeast Quarter of the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M., being more particularly described as follows:

That southerly 30 feet of Tract 1, called out as "Declared County Road" on Certificate of Survey No. 14650, records of Flathead County, Montana.

Jennifer R. & David M. Lewis and L. Reed & Karen C. Fuller - Tract 2, Certificate of Survey No. 16950, Document No. 201000017299

A public right-of-way easement within Tract 2, Certificate of Survey No. 16950, described in Document No. 201000017299, records of Flathead County, Montana and located in the Southeast Quarter of the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M., being more particularly described as follows:

That northerly 30 feet of Tract 2, called out as "Declared County Road" on Certificate of Survey No. 16950, records of Flathead County, Montana.

Michael and Janette St. Peter - Tract 1, Certificate of Survey No. 16950, Document No. 201200009373.

A public right-of-way easement within Tract 1, Certificate of Survey No. 16950, described in Document No. 201200009373, records of Flathead County, Montana and located in the Southeast Quarter of the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M., being more particularly described as follows:

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Bruce H. Boody - Tract B, Certificate of Survey No. 17096, Document No. 200603015250.

A public right-of-way easement within Tract B, Certificate of Survey No. 17096, described in Document No. 200603015250, records of Flathead County, Montana and located in the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M., being more particularly described as follows:

That portion labeled Lupfer Road (60' Wide Public Roadway Easement) on Certificate of Survey No. 19515, records of Flathead County, Montana.

Craig Baugh – Tract 1, Certificate of Survey No. 17458

A public roadway and utility easement, in Tract 1, Certificate of Survey No. 17458, records of Flathead County, Montana, and located in Section 1, Township 31 North, Range 23 West, P.M.M., Flathead County Montana, more particularly described as follows:

Beginning at the northwest corner of Tract 1, Certificate of Survey No. 17458, records of Flathead County, Montana; thence along the north boundary of said Tract 1, North 89°31'38" East 59.06 feet to the beginning of a 225.00 foot radius curve concave northwesterly, with a radial bearing of North 43°30'06"; thence along said curve through a central angle of 18°13'12", an arc length of 71.55 feet to the west boundary of said Tract 1; thence along said west boundary of said Tract 1, North 00°22'48" West 39.76 feet to the Point of Beginning, containing 1,309 square feet of land, more or less.

Lisa Ann Schreier - Tract 3, Certificate of Survey No. 13159, Document No. 201100013820

A public right-of-way easement within Tract 3, Certificate of Survey No. 13159, described in Document No. 201100013820, records of Flathead County, Montana and located in the Government Lot 4, Section 1, Township 31 North, Range 23 West, P.M.M., being more particularly described as follows:

That portion labeled Lupfer Road (60' Declared County Road) on Certificate of Survey No. 13159, records of Flathead County, Montana.

Lyons, Leslie A. - Document No. 199635815260

A public right-of-way easement referenced as Lupfer Road in Document No. 199635815260, records of Flathead County, Montana and located in the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-14-2101(3), M.C.A., that it will hold a public hearing concerning the acceptance of a portion of Lupfer Road as a 60 foot declared County Road, described as follows: Lupfer Road from it's beginning at U.S. Highway 93, North of Whitefish, Montana, and proceeding generally Northeasterly through the E½ NE¼ of Section 3, Township 31 North, Range 23 West, P.M.M.; thence generally Easterly through the N½ of Section 2, Township 31 North, Range 23 West, P.M.M.; thence generally Northerly through the NW¼, of Section 1 and the NE¼ NE¼ NE¼, of Section 2, Township 31 North, Range 23 West, P.M.M. to the Southern boundary of said Section 35, Township 32 North, Range 23 West, P.M.M., all in Flathead County, Montana, including but not limited to portions as Shown on Exhibit 1 attached hereto.

The acceptance of the portion of Lupfer Road as a 60 foot declared County Road, would recognize that Flathead County laid out and constructed that portion of Lupfer Road and has maintained that portion of the Road for several decades.

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

The public hearing will be held on the **18<sup>th</sup> day of December, 2014, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Third Floor Old Courthouse, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed acceptance of a portion of Lupfer Road as a 60 foot declared County Road.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

Dated this 17<sup>th</sup> day of November, 2014.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on December 4 and December 11, 2014.

**Exhibit 1**

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Lisa Ann Schreier - Tract 3, Certificate of Survey No. 13159, Document No. 201100013820

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Lyons, Leslie A. - Document No. 199635815260

A public right-of-way easement referenced as Lupfer Road in Document No. 199635815260, records of Flathead County, Montana and located in the Northeast Quarter, Section 2, Township 31 North, Range 23 West, P.M.M.

**DOCUMENT FOR SIGNATURE: CTA AGREEMENT AMENDMENT NO. 1/ HISTORIC JAIL RENOVATION**

**10:02:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Grant Support Debbie Pierson, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DNRC RRG-15-1642 CONTRACT/ BIGFORK STORMWATER BRIDGE STREET PROJECT**

**10:03:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Support Debbie Pierson, Clerk Kile

Pierson noted the document had not arrived in the mail, therefore needed to be postponed.

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**(Continued)**

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: GLACIER HILLS #4**

**10:04:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Planner Rachel Ezell, Clerk Kile

Ezell reported Glacier Hills #4 was granted preliminary plat approval on November 5, 2007; to date three extensions have been granted and the developer is requesting an additional two year extension to November 5, 2016.

Commissioner Scott made a **motion** to approve the preliminary plat extension for Glacier Hills #4. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

**CONSIDERATON OF PRELIMINARY PLAT EXTENSION AGREEMENT: HASKELL'S PASS**

**10:05:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Planner Rachel Ezell, Lorrie Woods, Tom Esch, Clerk Kile

Ezell reported Haskell's Pass received preliminary plat approval on December 22, 2008; to date the developer has received two extensions and is requesting a two year extension to December 22, 2016.

Commissioner Krueger made a **motion** to approve the preliminary plat extension for Haskell's Pass. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**CONSIDERATON OF PRELIMINARY PLAT EXTENSION AGREEMENT: MEADOWBROOK PARK**

**10:06:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Planner Rachel Ezell, Clerk Kile

Ezell reported Meadowbrook Park received preliminary plat approval on January 12, 2009; to date the developer has received two extensions and is requesting a two year extension to January 12, 2017.

Commissioner Scott made a **motion** to approve the preliminary plat extension for Meadowbrook Park. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

**CONSIDERATON OF PRELIMINARY PLAT EXTENSION AGREEMENT: THE ROCK, RESUBDIVISION OF LOTS 1 & 2**

**10:07:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Planner Rachel Ezell, Clerk Kile

Ezell reported The Rock, Resubdivision of Lots 1 & 2 received preliminary plat approval on January 24, 2008; to date the developer has received three preliminary plat extensions and is requesting a two year extension to January 24, 2017.

Commissioner Krueger made a **motion** to approve the preliminary plat extension for The Rock, Resubdivision of Lots 1 & 2. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**CONSIDERATION OF H.R. TRANSMITTAL: REVISED JOB DESCRIPTIONS – DISTRICT COURT CLERK/ DISTRICT COURT & JUSTICE COURT CLERK/ JUSTICE COURT**

**10:08:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Human Resource Director Tammy Skramovsky, Clerk Kile

Skramovsky reported the H.R. Transmittals pertain to revising job descriptions for a District Court Clerk/ District Court and Justice Court Clerk/ Justice Court.

Commissioner Krueger made a **motion** to approve the H.R. Transmittals. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**CONSIDERATION OF PRINT BID: JUSTICE COURT**

**10:11:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Chairperson Holmquist read into the record that Trippet's Printing was the low bidder for 500 complaint and small claim forms 4 parts - two sided for \$415.50 for Justice Court.

Commissioner Scott made a **motion** to approve the print bid. Commissioner Kruger **seconded** the motion. Motion carried unanimously.

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

**PUBLIC HEARING: ACCESSORY DWELLING UNIT TEXT AMENDMENTS/ FLATHEAD COUNTY ZONING REGULATIONS**

**10:30:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Mayre Flowers, Don Snow, Greg Stevens, Sean Busby, Mollie Busby, Pam Totten, Erica Wirtala, Patrick Malone, Bruce Young, Sharon DeMeester, Clerk Kile

Mack summarized history of the timeline of events leading up to the Accessory Dwelling Unit Text Amendments and reviewed highlights of concerns pros and cons.

**Chairperson Holmquist opened the public hearing to anyone wishing to speak regarding the Accessory Dwelling Unit Text Amendments to the Flathead County Zoning Regulations.**

Don Snow, 66 Stonecrest Drive, Kalispell presented the following post card to be entered into the record.

Dear Flathead County Commissioners,

Please accept my comments for your Nov. 17th hearing on the county's proposal asking you to add rental units, known as Accessory Dwelling Units or ADUs, as a permitted use of right to almost all zoned areas in Flathead County. I understand the intent of this proposal is to create additional affordable housing in the county, but as proposed it is not clear that this will occur. I also understand these ADUs could be an additional house, an attached apartment, or an interior apartment within an existing house, so long as these units have their own entrance and provide for additional parking.

I have concerns and want to understand more about this proposal. I would like to see the county take more time to inform residents like myself as to what the possible ramifications of this change might be for my neighborhood. I would like to see a number of presentations on this concept with question and answer opportunities held around the county, before you move forward with this new proposal. This zoning change could result in significant changes to my neighborhood, & impact investments I, or others, have made. Please table this decision and consider my additional concerns identified on the backside of this card. Thank you.

Name(s) Don Snow  
Address 66 STONECREST DR KALISPELL

I would like consideration given to adding these safeguards, which I have checked:

- ☒ Do not simply allow ADUs in almost all zoned areas.    ☐ Define Affordable Housing & goals.  
☐ Consider allowing neighborhoods or zoning areas to petition for the addition of ADUs to their area with a public hearing process to set standards for ADUs appropriate to that area.  
☒ Require owner occupancy of the primary dwelling so rental units are well managed.  
☒ Require a conditional use permit for all ADU's to allow for public comment by neighbors.  
☐ Cap the size & height of ADUs. (Some jurisdictions set the max sq. ft. of ADU regardless of size of primary dwelling.)  
☐ Consider 6 month – 1year rental requirements to avoid the abuse and impacts of 30-day rentals.  
☒ Clarify how impacts from ADUs to neighbors will be handled and enforced including impacts from: vegetation removal, stormwater runoff, noise, lights, building heights, blocked view-sheds, potential additional home businesses, additional pets or livestock, added and cumulative road impacts, added impacts to environmentally sensitive areas, limited or shared access to recreational facilities, added impacts to water & septic systems, and potential impacts from ownership changes.  
☐ Please review additional comments I have included on a separate sheet.

Mayre Flowers, Citizens for a Better Flathead summarized the following copy of written comments submitted to the commission and encouraged them to send the proposal back to the Planning Board for additional review.

**To:      Flathead County Commissioners**

**Re:      Proposed Zoning Text Amendment (#FZTA-14-02) For The Allowance Of Accessory Dwelling Units (ADUs) In Certain Zoning Districts In Flathead County**

Citizens for a Better Flathead recognizes the important role that Accessory Dwelling Units can play in addressing the evolving housing needs in a community if the standards for, and location of, such housing units are carefully drafted to provide safeguards for the property rights and expectations of those who have invested in homes and property based on the existing zoning and neighborhood character of the area.

As proposed, the simple addition of ADUs to most zoning districts is lacking in the definitions, standards, criteria for review, and measurable goals, needed to provide the safeguards that property owners have a right to expect of the character, stability, and density of development in currently zoned areas that would be impacted directly by this zoning text amendment. For this reason, and for the more detailed reasoning included below, we encourage you to send this proposal back to the planning board for additional review and consideration of the merit of incorporating the following implementation procedures and standards briefly summarized as follows:

**Location**

- The literature on ADUs identifies numerous issues and conflicts that typically arise when ADUs are permitted after the fact in currently zoned areas. For this reason we encourage you to consider the use of a zoning overlay tool where currently zoned neighborhoods could petition to add an overlay zone for ADUs as a permitted use in their neighborhood by demonstrating clear support for AUDs and the criteria for adoption of ADUs in their area.
- Require a conditional use permit for all ADU's to allow for public comment by neighbors, or as noted above, a petition of support for the area proposed for ADUs.
- Research indicates that ADUs are most favorably located in urban or suburban areas in close proximity to available public services, retail goods and services, transportation networks, and employment options —especially for lower-income and senior persons. Consider working with the three cities and unincorporated towns to identify incentives to encourage the location of ADUs in areas most able to provide these services.

**Intent and Goals**

The staff report for this proposed ADU zone text change repeatedly identifies the need to provide for “affordable housing” and “housing diversity” needs in the county. These terms are not currently defined and should be. The goal and intent to protect stability, property values, and the residential character of neighborhoods should be a clearly defined goal and intent of any ADU zone text change.

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

- The need for additional rental units should be established. What percent of the population of the county currently rents, and what is the current availability of rental units both occupied and unoccupied? What percent of the population is currently classified as qualifying for affordable housing under state or federal standards? How well is the market currently responding to the needs identified in the staff report to provide “housing diversity” and “affordable housing”? Based on the answer to this question, what incentives or standards are needed to ensure that adding ADUs will in fact meet a need for “housing diversity” and “affordable housing”?
- If part, the intent and goal of allowing ADUs is to offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services. What standards or criteria are needed to insure that such goals are met?
- Consider tying the ability to create an ADU to standards, fees, and/or incentives that ensure these housing units will be offered at an affordable rate. Some sample policy ideas include:
  - **Require ADUs to be registered** / licensed with County.
  - **Accessory Dwelling Unit:** An Accessory Dwelling Unit is a wholly independent and self-contained (meaning provision for separate living, sleeping, eating, cooking and sanitation) housing unit that is clearly subordinate and either attached to or detached from a principal single-family dwelling on a single-family lot. They are intended to help meet the unique housing needs of lower-income (below 80% of MHI or less) or persons with disabilities and are to be used on a long-term, permanent rental basis<sup>1</sup>.
  - **Application Fees and Information.** Application fees and application information required for ADUs shall be less than or equal to those required to construct a single-family dwelling unit.<sup>2</sup>
  - **Permit Renewal (monitoring).** Permits issued under this zone shall be for two-years and renewal for one-year thereafter upon administrative review. Any complaints by the public or other agencies or interests shall be retained by planning and zoning staff and may be justification for terminating a permit.<sup>3</sup>

**Standards and Criteria**

- As proposed, the absence of an owner-occupancy requirement for the principal home on the property can easily lead to both structures being rented by distant or irresponsible landlords allowing typical rental and unruly tenant problems to degrade the quality of neighborhoods. Some sample policy ideas include:
    - **Required Owner Occupancy:** Require either the principal unit or the ADU to be occupied by the owner of the lot on a consistent and continuous basis.
  - Without an owner-occupancy requirement, speculative development may be encouraged where developers could buy up one or more lots and add rental units without regard to the historical neighborhood character. Some sample policy ideas include:
    - **Limit Size of ADU:** The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than eight hundred (800) square feet.
    - Only one accessory dwelling unit may be created within a single-family house or house lot. (Remove wording in current county definition referring to track of record and use the term lot instead<sup>4</sup>.)
    - An accessory dwelling unit may not be occupied by more than two (2) people nor have more than two bedrooms.
  - While studies show that communities with "favorable" zoning can expect to get approximately one ADU per 1,000 single family homes per year, communities with high levels of tourism could see a higher level of development if safeguards are not in place to discourage or prevent abuse of this housing for short-term rentals. Some sample policy ideas include:
    - **Occupant Tenure:** Require that ADU rentals be for a term of at least 6 months and prohibit any type of Bed and Breakfast or Vacation Rental by Owner or otherwise any type of short-term rental from occurring. ADUs are to be used on a long-term, permanent rental basis.
    - **Dwelling Unit:** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, mobile or manufactured home however mounted.<sup>5</sup>
    - **No ADU may be added** to any property which currently contains an authorized caretakers quarters or guesthouse.
    - **No building shall be constructed or changed** in use or configuration, until the zoning administrator has issued necessary zoning approval.
  - As proposed the 40% limit on ADU square footage size to the principal dwelling could allow extremely large ADUs for very large homes since there is no cap on the size of principal dwellings. This is inconsistent with the desire of many to preserve the character of the district where these units may be allowed. Many jurisdictions place square footage limits on the size of the ADU and establish minimum lot size standards in addition to setting percent limits on ADU structures in relation to principal dwellings. Some sample policy ideas include:
    - **Lot Standards** – Minimum Size<sup>6, 7, 8</sup>.
      - a. No minimum lot size for a “inside or apartment” ADU (underlying district standards apply), 2 acres for an “attached ADU and 5 acres for a “detached” ADU.
    - **Lot Standards** – Setback and Lot Coverage<sup>9, 10</sup>.
      - a. Maximum lot coverage with both principal and secondary accessory dwelling units shall not exceed more than 40% of the lot (combined imperious surfaces may not exceed 45%)
      - b. **Detached ADUs** must be located on the rear 35% of the lot
    - **Attached and detached ADU design** and architectural features must be consistent with the principal dwelling unit and complimentary to the character of other homes in the neighborhood.
    - **Limit Size of ADU:** The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than eight hundred (800) square feet.
  - Some neighborhoods or subdivisions have covenants that govern the type or size of home that can be built and if they can be rented. These documents would need to be reviewed for how this zone change might or might not impact them.
  - With or without covenants, before AUD's are adopted for Flathead County, standards are needed to better ensure that the character and quality of the zoned area is retained. Some sample policy ideas include:
    - **ADU Building Standards** – Screening and Orientation.
      - a. Underlying zoning district landscaping shall apply.<sup>11</sup>
    - **Parking and Traffic.**
      - a. ADUs must share the same ingress/egress and driveway from a public road for lots less than 2 acres but may divide into separate driveways for lots 2 acres or larger if the ADU is detached.
    - **Home occupations:** Limit to the principle owner-occupied home.
    - **Public Health.** Certification by the DEQ and/or Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.<sup>12</sup>
  - Additional zoning text amendment wording and clarification is needed on how impacts from ADUs to neighbors will be prevented or handled and enforced including impacts from:
    - Vegetation removal,
    - Storm water runoff,
    - Noise,
    - Lights,
    - Building heights,
    - Limits on lot coverage,
    - Blocked view-sheds,
    - Additional pets or livestock,
    - Types of housing stock allowed (like trailers or temporary housing units),
    - Added and cumulative road impacts,
-



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**(Continued)**

- Shared responsibility for road improvements or fees,
- Added impacts to environmentally sensitive areas,
- Limited or shared access to recreational facilities (like lakes and docks),
- Added impacts to water and septic systems, community wells and water rights,
- The potential of multiple home businesses on one lot,
- The potential abuse of these units for short term rentals,
- Potential impacts from ownership changes and pressures to allow further subdivision of lots for sale, and,
- How the county will track and collect information about the impacts of this change in policies on affordable housing and other factors.

<sup>1</sup> Washington State Model ADU Ordinance Recommendations, WA State Department of Community, Trade and Economic Development, January 1994;

<sup>1</sup> AARP Model ADU Ordinance;

<sup>1</sup> AARP Model ADU Ordinance;

<sup>1</sup> The use of the phrase/term “tract of record” is not defined in the Zoning Ordinance (only the Subdivision Ordinance) and is a confusing and unfamiliar term in planning circles. It appears to be a more useful term for property tax assessments than for general community planning. No size or dimensions are assigned to such parcels. The term lacks certainty that a “tract of record” is consistent with approved land use designations, future land use map and zoning for a given parcel.

<sup>1</sup> Clark County (WA) ADU Ordinance;

<sup>1</sup> Clark County (WA) ADU Ordinance;

<sup>1</sup> Spokane County (WA) Detached ADU Info Sheet;

<sup>1</sup> AARP Model ADU Ordinance;

<sup>1</sup> Clark County (WA) ADU Ordinance;

<sup>1</sup> AARP Model ADU Ordinance;

<sup>1</sup> AARP Model ADU Ordinance;

<sup>1</sup> AARP Model ADU Ordinance;

Greg Stevens, 31 Lower Valley Road, Kalispell explained as a member of the Flathead County Planning Board that he helped in developing the proposed changes. He stated the Planning & Zoning Office reached out to different areas in Montana and surrounding states for ideas as to how they handled the issue of accessory dwelling units. The idea of allowing accessory dwellings could be a financial and social benefit to renters and landlords he pointed out. The benefits were further summarized as Stevens spoke in favor of the proposed changes.

Sharon DeMeester, 415 Chestnut Drive, Kalispell said her concerns pertain to smaller lot sizes as we already have in the county the ability to do a property line adjustment or a family split on larger pieces of property that would allow a second unit. In Ponderosa Estates where I live we have covenants, and I assume they will protect us; right across the road from there we have larger pieces of property that I could see being split with a trailer house doubling the density across the road from me and the rural atmosphere would be taken away. Another concern is in regards to a home they have in a West Glacier subdivision surrounded by seven lots with five homes built there now; if the proposed changes are approved the whole character of the little subdivision could totally change and be destroyed. DeMeester stated the only way property rights work is when the community gets together and decides as a group what is acceptable to all and not just one.

Erica Wirtala, Northwest Montana Association of Realtors spoke in favor of the Accessory Dwelling Units proposed changes. We are in favor of infill development, of economic opportunities for families that may not be able to afford so otherwise, of loosening regulations for people that need a place to have their elderly parents stay without having to go through the conditional use process; the process it takes to have a CUP approved in order to have an accessory dwelling unit approved seems excessive. Wirtala pointed out it is very difficult to find a rental unit as a college student in the area and FVCC is looking at putting up dormitories for housing opportunities for students.

Patrick Malone said many of the benefits mentioned today are absolutely true and can be achieved. He explained he was a city planner for 30 years and was part of the state growth management in Washington State and helped write the law and worked in Oregon as well where they have an Accessory Dwelling Unit program. I am all for affordable housing and low/moderate income housing. He further spoke about projects he was involved in developing and said the vast majority of ADU's require owner occupancy.

Bruce Young, a Realtor from Lakeside said he doesn't necessarily agree with the position the board has taken. I think the proposal has merits to it in place, but in my opinion in viewing what has been done so far is far too broad and should slow down.

**No one else rising to speak, Chairperson Holmquist closed the public hearing.**

Commissioner Krueger asked how this would affect West Valley zoning.

Grieve pointed out that it would not affect West Valley zoning since the proposal is not applicable to any geography specific zones; for example the proposal would not affect Little Bitterroot Lake, Ashley Lake or CALURS.

General discussion was held relative to performance standards and potential revisions to AG-40 and AG-80 zones; existing ranch hand housing/ family member housing used as a farming enterprise.

Chairperson Holmquist pointed out she received several e-mails this morning as well as the letter from Citizens for a Better Flathead and needs time to look at them prior to making a decision.

Commissioner Scott concurred and said he has experience from the State of Washington in King County on the issue outlined by Mr. Stevens of the intent to facilitate a higher density of housing that already had the infrastructure to serve additional needs. The process they had was adopted and amended over a period of around 6-8 years before they came to a final conclusion 20 years ago. We are in the same process here in that we move forward in some manner and we evolve as we go forward in the ever changing environment here in the county. We are not an out of the way destination area any longer; we are going to evolve and we are going to change. I think we need to start somewhere and this seems to me to be a reasonable start. Perhaps a little more review of some of the comments that came in would be appropriate; however, I do feel this is a good beginning.

Grieve suggested the commission review the Planning Board hearings where a lot of the information being discussed today was brought up and discussed at length.

Commissioner Krueger made a **motion** to table until after Thanksgiving. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

**PUBLIC HEARING: MCMAHON & HANNOCK ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT**

**11:34:00 AM**

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Clerk Kile

Mack summarized the zone change request by McMahon and Hannock to change the zoning designation on 20.7 acres located at 288 Squirrel Lane in the Blanchard Lake Zoning District from AG-20 to SAG-10.

**Chairperson Holmquist opened the public hearing to anyone wishing to speak regarding the zone change request.**

Erica Wirtala, Sands Surveying stated her client has owned the property for quite some time and they would like to split the property with a family transfer and build a vacation home and gift their son and daughter with the other 10-acre parcel. She pointed out the property has been logged extensively and Whitefish Hills just recently installed a massive underground cistern for tanker recharge purposes.

**No one else rising to speak, Chairperson Holmquist closed the public hearing.**

Commissioner Krueger made a **motion** to approve Findings of Fact. Commissioner Scott **seconded** the motion. Motion carried unanimously.

Commissioner Scott made a **motion** to adopt Resolution 966AD and authorize publication of the Notice of Public Hearing. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 966AD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17<sup>th</sup> day of November, 2014 concerning a proposal by Michael & Monica McMahon and Charles & Pamela Hannock, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural);

WHEREAS, notice of that hearing was posted for at least 45 days prior to the public hearing and published pursuant to Section 76-2-205(1), M.C.A., on October 29 and November 5, 2014;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Blanchard Lake Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural), that area being described as the boundaries of Assessors Tract 4B, located in Section 23, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Tract 1 of Certificate of Survey No. 9918, located and being in the Southwest Quarter of the Northeast Quarter of Section 23, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Located at 288 Squirrel Lane, Whitefish, MT containing approximately 20.7 acres.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Blanchard Lake Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Blanchard Lake Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Blanchard Lake Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Blanchard Lake Zoning District protest the proposed change in said districts, then the change will not be adopted.

DATED this 17<sup>th</sup> day of November, 2014.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Calvin L. Scott  
Calvin L. Scott, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**MONDAY, NOVEMBER 17, 2014**  
**(Continued)**

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 966AD) on November 17, 2014 to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the areas proposed to be changed from the AG-20 classification to the SAG-10 classification are described as the boundaries of Tracts 6AA, located in Section 14, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows:

The boundaries of the areas proposed to be changed from the AG-20 classification to the SAG-10 classification is described as Assessors Tract 4B, located in Section 23, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Tract 1 of Certificate of Survey No. 9918, located and being in the Southwest Quarter of the Northeast Quarter of Section 23, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Located at 288 Squirrel Lane, Whitefish, MT containing approximately 20.7 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to a district intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized and providing for estate type residential development. The AG-20 classification has a minimum lot size of 20 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

The Flathead County Zoning Regulations defining the AG-20 and SAG-10 Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://flathead.mt.gov/downloads/documents>. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Blanchard Lake Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 17<sup>th</sup> day of November, 2014.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By/s/Diana Kile  
Diana Kile, Deputy

Publish on November 20 and November 27, 2014.

**8:30 a.m. Weed & Parks board meeting @ Weed & Parks Office**  
**7:00 p.m. Commissioner Holmquist: Flathead River Commission meeting @ EBB**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 18, 2014.

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**TUESDAY, NOVEMBER 18, 2014**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**CANVASS FEDERAL GENERAL ELECTION @ FAIRGROUNDS COUNTRY KITCHEN**

Present: Commissioner Scott P.T., Commissioner Krueger, Assistant Mike Pence, Clerk & Recorder Paula Robinson, Recording & Election Manager Monica Eisenzimer, Grant Support Debbie Pierson

Absent: Commissioner Pamela J. Holmquist

The following is a spreadsheet of the 2014 Federal General Election held on November 4, 2014.



**TUESDAY, NOVEMBER 18, 2014**  
**(Continued)**

	Starting #	Ending #	absentee	absentee	absentee	absentee	absentee	absentee	Beginning	Ending	Ballot Style	Report before	polls	polls	polls	polls	polls	polls	polls	total	M100	total	total	total			
			U	N	D	I	O	P																			
			A	B	E	E	E	E																			
			E	E	E	E	E	E																			
Ballot Style									number of	number of	Report before		Starting #	Ending #													
									absentee not	absentee not	provisional		used	used													
									voted	voted	counting																
PCT 01 CI SCH	1	300	4	0	0	0	0	196	233	300	196	216	0	301	464	164	465	750	0	0	0	0	164	175	0	391	PRECINCT 1
PCT 01 CI SS	1	15	0	0	0	0	0	7	8	15	7			16	18	3	19	50	0	0	0	0	3		7		
PCT 02 CI SCH	1	29	0	0	0	0	0	13	17	29	13			30	37	8	38	60	0	0	0	0	8		7		
PCT 02 CI SS	1	500	6	1	6	278	13	362	500	500	278	279	1	501	704	204	705	1400	1	0	5	6	198	199	1	13	491
PCT 03 CI SCH	1	500	1	0	4	192		229	300	300	192	334	0	301	431	131	432	700	1	0	3	4	127	255	0		
PCT 03 CI SS	1	500	1	2	1	26		38	50	50	26			51	73	23	74	100	2	0	1	3	20				
PCT 03 CO SCH	1	250	0	0	0	116	1	143	250	250	116			251	360	110	361	550	2	0	0	2	108		10		
PCT 04 CI SCH	1	500	0	2	5	294		351	500	500	292	358	0	501	740	240	741	1100	1	0	4	5	235	291	0		649
PCT 04 CI SS	1	100	2	2	0	63		77	100	100	63			101	156	56	157	350	0	0	0	0	56		7		
PCT 04 CO SCH	1	5	0	0	0	3		4	5	3				6	5	0	6	10	0	0	0	0	0		7		
PCT 05 CI SCH	1	40	0	0	1	21		24	40	40	21	379	-1	41	69	29	70	90	1	0	0	1	28	316	0		
PCT 05 CI SS	1	500	7	2	2	239	1	273	500	500	239			501	696	196	697	1100	2	0	2	4	192		14	434	
PCT 05 CO SCH	1	300	0	3	15	130		185	300	300	130			301	396	96	397	500	0	0	0	0	96				
PCT 06 CI SCH	1	20	0	0	0	7		21	20	20	7	1027	0	21	30	10	31	40	0	0	0	0	10	667	-4		1684
PCT 06 CI SS	1	600	1	2	4	517		558	600	600	517			601	790	190	791	1000	1	0	1	2	188				
PCT 06 CO SCH	1	600	0	2	1	390	2	458	600	600	389			601	963	363	964	1250	1	0	5	6	357				
PCT 06 CO	1	200	7	2	9	114		136	200	200	114			201	318	118	319	450	2	0	0	2	116		26		
PCT 07 CO SCH	1	250	2	0	5	177		199	250	250	177	403	0	251	387	137	388	550	1	0	3	4	133	283	0		
PCT 07 CO	1	400	2	0	0	227		263	400	400	226			401	553	153	554	750	2	0	1	3	150		9		
PCT 08	1	400	1	1	5	316		353	400	400	315	314	-1	401	678	278	679	1000	1	0	5	6	272	272	0		9
PCT 11	1	500	2	0	3	357		388	500	500	357			501	720	220	721	1300	0	1	6	7	413	413	0		590
PCT 13	1	550	9	1	5	482	2	536	550	550	480			551	1040	490	1041	1900	1	0	0	1	495	495	0		775
PCT 14	1	400	1	2	6	237		281	400	400	237			401	599	199	600	850	1	0	1	2	197	197	0		983
PCT 15	1	500	5	0	4	241		290	500	500	241			501	828	328	829	1200	2	0	5	7	321	321	0		1063
PCT 16 CI SCH	1	250	2	1	0	108		140	250	250	108	270	0	251	373	123	374	499	1	0	0	1	122	374	0		1100
PCT 16 CI	1	200	0	1	1	126		128	200	200	126			201	415	215	416	650	1	0	3	4	211				
PCT 16 CO	1	50	0	0	2	36		41	50	50	36			51	93	43	94	150	0	0	2	2	41		5		
PCT 17	1	200	2	1	1	105		123	200	200	105			201	296	96	297	400	1	0	2	3	93	92	-1	3	200
PCT 18 CI SCH	1	15	0	0	2	6		9	15	15	6	443	0	16	15	0	16	25	0	0	0	0	0	490	0		933
PCT 18 CO	1	600	9	0	3	437	1	492	600	600	437			601	1105	505	1106	1750	4	11	15	490			10		
PCT 19 CO SCH	1	50	4	0	3	23		30	50	50	23			51	91	41	92	120	2	0	0	2	39	330	0		10
PCT 19 CO	1	400	1	0	1	232		276	400	400	232			401	694	294	695	1100	2	0	1	3	291				
PCT 20 CI	1	700	8	2	12	540		661	700	700	539	569	0	701	1254	554	1255	2150	5	0	3	8	546	577	0		6
PCT 20 CO	1	100	0	0	0	30		34	100	100	30			101	131	31	132	150	0	0	0	0	31		13		
PCT 21	1	500	2	1	3	315		362	500	500	314	314	0	501	819	319	820	1200	5	0	2	7	312	312	0		2
PCT 23	1	400	0	1	3	222		264	400	400	222	222	0	401	784	384	785	1250	2	0	2	4	380	380	0		608
PCT 24 FIRE	1	100	1	0	1	68		72	100	100	68	220	0	101	153	53	154	250	0	0	1	1	52	256	0		476
PCT 24	1	400	0	0	1	152		177	400	400	152			401	606	206	607	750	2	0	0	2	204				
PCT 25	1	600	1	1	9	428	1	496	600	600	428	428	0	601	928	328	929	1550	2	9	0	11	317	317	0		759
PCT 26 FIRE	1	250	1	1	1	109	1	139	250	250	109	196	0	251	429	179	430	450	1	0	0	1	178	226	0		6
PCT 26	1	150	6	0	2	87	1	100	150	150	87			151	199	49	200	550	1	0	0	1	48				
PCT 29 CI SCH	1	100	0	0	0	62		76	100	100	62	400	0	101	153	53	154	250	1	0	0	1	52	572	0		972
PCT 29 CO SCH	1	20	3	2	4	15		21	20	20	15			21	27	7	28	30	0	0	0	0	7				
PCT 29 CO	1	600	0	0	0	323		377	600	600	323			601	1117	517	1118	1600	3	0	1	4	513		9		
PCT 31 CI SCH	1	250	4	0	0	139		163	250	250	139	818	0	251	369	119	370	500	1	0	1	1	118	656	-1		1474
PCT 31 CI SS	1	750	3	1	7	496	1	568	750	750	496			751	1144	394	1145	1650	1	0	3	4	390				
PCT 31 CO	1	75	0	0	0	48		59	75	75	48			76	107	32	108	130	0	0	0	0	32				
PCT 31 CO SCH	1	250	0	1	2	135	1	149	250	250	135			251	369	119	370	450	0	0	2	2	117		29		
PCT 32 CI SCH	1	500	8	1	3	254	2	313	500	500	254	258	0	501	741	241	742	1300	0	0	0	0	241	243	-1		501
PCT 32 CO SCH	1	10	0	0	1	4		6	10	10	4			11	14	4	15	40	0	0	1	1	3		11		
PCT 33 CO SCH	1	100	3	1	0	48		58	100	100	48	123	0	101	134	34	135	180	0	0	0	0	34	114	0		237
PCT 33 CO	1	150	0	1	2	75		101	150	150	75			151	235	85	236	500	2	0	3	5	80		4		
PCT 34 CI SCH	1	5	0	0	0	320		354	5	5	320			451	673	223	674	900	1	0	4	5	218				
PCT 34 CO	1	500	4	3	3	317	1	342	500	500	318			501	739	239	740	975	0	0	0	0	239				
PCT 35 CI SCH	1	500	0	0	0	311		368	500	500	311	394	0	501	835	335	836	900	0	0	1	1	324	449	0		11
PCT 35 CI	1	150	2	1	3	70	1	78	150	150	70			151	254	104	255	350	0	0	3	6	98				
PCT 35 CO	1	20	0	0	0	13		14	20	20	13			21	37	17	38	70	0	0	0	0	17				
PCT 36	1	750	3	4	7	466	3	542	750	750	465	465	0	751	1342	592	1343	1975	3	0	4	7	585	585	0		1063
PCT 37 CI SS	1	700	6	1	11	378	1	477	700	700	378	609	-1	701	1032	332	1033	1675	7	0	0	7	325	491	0		1100
PCT 37 CO	1	5	0	0	0	1		2	5	1				6	6	1	7	10	0	0	0	0	1				
PCT 37 CO SCH	1	400	3	1	2	231		264	400	400	231																



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CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2398, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156 (BIGFORK STORMWATER IMPROVEMENTS); DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156 FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND TO CREATE RURAL MAINTENANCE DISTRICT NO. 156 FOR THE PURPOSE OF MAINTAINING THE IMPROVEMENTS" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on November 19, 2014, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: **Commissioner Scott P.T. and Commissioner Krueger**; voted against the same; abstained from voting thereon: \_\_\_\_\_; or were absent; Commissioner **Holmquist**.

Witness my hand officially this 19<sup>th</sup> day of November, 2014.



D. DeReu, Deputy Clerk  
County Clerk & Recorder

RESOLUTION No. 2398

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156 (BIGFORK STORMWATER IMPROVEMENTS); DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156 FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND TO CREATE RURAL MAINTENANCE DISTRICT NO. 156 FOR THE PURPOSE OF MAINTAINING THE IMPROVEMENTS

WHEREAS, the unincorporated community of Bigfork Village ("Bigfork") is located along the northeast corner of Flathead Lake, and adjacent to the Swan River and Bigfork Bay; and

WHEREAS, the original stormwater conveyance system in Bigfork, which is believed to have been installed in the 1950s, consisted of direct discharge points at multiple locations along Bigfork Bay and the Swan River and provided for no treatment of waters discharged; and

WHEREAS, this original stormwater conveyance system has been identified as a source that accelerated the process of degradation of the water quality of Flathead Lake, as the untreated water conveyed by the stormwater system delivered pollutants, nutrients and fecal coliform bacteria directly into the Swan River, Bigfork Bay and Flathead Lake; and

WHEREAS, in 2007, the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") initiated the Bigfork Stormwater Project (the "Project") to update the Bigfork stormwater system infrastructure to address such problems as well as to address flooding in Bigfork; and

WHEREAS, a preliminary engineering report (the "PER") for the Project was produced in 2008 and an additional report related to the Project titled the "Bigfork Stormwater Facilities Assessment Report" ("SFAR") was generated in 2009; and

WHEREAS, pursuant to the PER and SFAR, the County, in collaboration with the community of Bigfork, determined to undertake the Project in a phased approach; and

WHEREAS, the County has completed Phases I through III and has contributed significant grant funds and County funds and resources to the costs of Phases I through III; and

WHEREAS, the County now proposes to complete the Project by undertaking Phase IV of the Project (the "Phase IV Improvements"), which is expected to be the final phase of the Project, and desires to finance a portion of the costs of the Project, representing a portion of the



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costs of the Phase IV Improvements, through the issuance of rural special improvement district bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of the County, as follows:

Section 1. Proposed Improvements: Intention To Create Rural Special Improvement District. Pursuant to Section 7-12-2102, Montana Code Annotated, and following a public information process, the County proposes to undertake the Phase IV Improvements and to complete the Project to benefit property located in Bigfork. The Phase IV Improvements consist of engineering, design, construction and installation of stormwater improvements.

It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), a rural special improvement district (the "District") for the purpose of financing a portion of the costs of the Project benefiting the District, representing a portion of the costs of the Phase IV Improvements, and paying costs incidental thereto, including costs associated with the sale and security of special improvement bonds drawn on the District in one or more series and issued at one time or from time to time (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the rural special improvement district revolving fund of the County (the "Revolving Fund"). The total estimated cost of the Project, including costs incidental thereto, is \$2,282,522.04, \$1,076,522.04 of which has been or will be paid from grant funds and other funds contributed by the County and \$1,206,000 of which costs are to be paid from the Bonds in an estimated total principal amount of \$1,206,000. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefited by the Project in an amount not less than \$1,206,000. It is also the intention of the Board to create and establish under the Act a rural special improvement maintenance district denominated Rural Maintenance District No. 156 (the "Maintenance District") for the purpose of maintaining the Project.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 156 of Flathead County, Montana. If the District shall be created and established, simultaneously therewith the Maintenance District shall be created and established and shall be known as Rural Maintenance District No. 156 of Flathead County, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described by the descriptions of the lots, parcels, tracts and units within the District on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District subject to assessment and a description thereof is shown on Exhibit B hereto. None of the properties in the District is located within the limits of any municipality.

Section 4. Benefited Property. The properties included within the District described in Section 3 and as depicted on Exhibit A and described on Exhibit B are hereby declared to be the properties that will be benefited by the Project located in the District or serving such properties and will be assessed for the costs of the Project financed by the Bonds and incidental costs as described in Sections 1 and 7. The Board declares that all of the property in the District subject to assessment is benefited by the Project, not just the property abutting such Project or any phase thereof, and the contemplated work of improvement, in the opinion of the Board, is of more than local or ordinary public benefit.

Section 5. General Character of the Project. The general character of the Project is design, engineering, construction, and installation of stormwater improvements, including removal and replacement of the existing conveyance pipe; installation of catch basins with sumps; installation of commercial hydrodynamic separator units; installation of commercial cartridge units; and related improvements.

Section 6. Engineer and Estimated Cost. 48 North, P.C., of Kalispell, Montana, shall be the Engineer for the District. The Engineer has estimated that the cost of the Project, including all incidental costs, is \$2,282,522.04, as shown in Exhibit C, and that the total costs of the Project, including all incidental costs, to be financed by proceeds of the Bonds, is \$1,206,000. Such estimates are subject to revision or to amendment.

Section 7. Assessment Methods.

7.1. Equal Assessment Amount. All lots, parcels, tracts and units located in the District will be assessed an equal amount for their share of the total costs of the Project to be financed with proceeds of the Bonds and incidental costs, as authorized in Section 7-12-2151(d) of the Act and as shown on the attached Exhibit B. Accordingly, each lot, parcel, tract or unit in the District will be subject to a special assessment in the total principal amount of up to \$2,138.30, which amount is exclusive of interest on each special assessment.

7.2. Property Created as Condominiums. The District includes properties created as condominiums. For purposes of spreading assessments, each condominium unit is considered a separate parcel of land, subject to separate and equal assessment in the same manner as lots, parcels and tracts of land in the District not created as a condominium, and the lien of the assessment shall attach to each condominium unit. The parcel of land constituting the common interest area or common elements of each lot, parcel, or tract created as a condominium will not be separately assessed for the Project.

7.3. Future Subdivision: Consolidation. If an increase occurs in the number of benefited lots, parcels, tracts or units within the boundaries of the District during the term of the Bonds, the Board will recalculate the amount assessable to each lot, parcel, tract or unit. The recalculation will be based on the amount of the District's outstanding principal of and interest on the Bonds for the current fiscal year and the County will spread the assessments across the District based on the number of benefited lots, parcels, tracts or units within the boundaries of the District as of the July 1 following the action that resulted in the increase in the number of benefited lots, tracts or parcels, all as provided in Section 7-12-2151(4), M.C.A. In doing so, the Board will comply with Sections 7-12-2158 through 7-12-2160, M.C.A.

From and after creation of the District, the lien of the special assessments to pay or finance the costs of the Project financed with proceeds of the Bonds and associated incidental



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costs is not extinguished or diminished by the combination or consolidation of multiple lots, parcels, tracts, or units; accordingly, the area consisting of the combined or consolidated lot or lots, parcel or parcels, tract or tracts, or unit or units will be assessed in an amount equal to the amount it would have been assessed had the combination or consolidation not occurred.

7.4. Assessments Stated as Principal Only. The dollar amounts of the special assessments set forth in Exhibit B are stated only as total principal amounts. The special assessments, when levied, will include interest at the prevailing interest rate as prescribed by the Act, and such principal and interest will be amortized over the term of the Bonds and payable in semiannual installments.

7.5. Assessment Methodology Equitable and Consistent with Benefit. This Board hereby determines that the method of assessment and the assessment of costs of the specific improvements forming the Project and incidental costs against the properties benefited thereby as prescribed in this Section 7 are equitable and in proportion to and not exceeding the special benefits derived from the Project by the lots, parcels, tracts, or units to be assessed therefor within the District.

Section 8. Method of Financing; Payment of Assessments for Repayment of Bonds. The County will issue the Bonds in an aggregate principal amount not to exceed \$1,206,000 to finance a portion of the costs of the Project, including costs incidental thereto. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. The special assessments for the costs of the Project benefiting the District and costs incidental thereto shall be payable over a term not exceeding 20 years, each in equal semiannual installments of principal, plus interest as allowed by law, or equal semiannual payments of principal and interest as allowed by law, as this Board shall prescribe in the resolution authorizing the issuance of the Bonds. Property owners have the right to prepay assessments as provided by law. The estimated total principal amount of special assessments for undertaking the Project and associated incidental costs against each property in the District is set forth on Exhibit B. In the event the District is created and the Bonds are issued, the special assessments levied against property in the District will be stated as semiannual installments of principal and interest amortized over the term of the Bonds.

Section 9. Pledge of Revolving Fund; Findings and Determinations. This Board finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185, M.C.A., in respect of the Bonds. In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors and based on the attached Exhibit B:

(a) Estimated Market Value of Parcels. The estimated market value of the lots, parcels, tracts, or units in the District as of August 2014, as taken from the records of the Montana Department of Revenue (the appraiser for property tax purposes), is set forth in Exhibit B hereto. The special assessments to be levied against the lots, parcels, tracts, or units in the District, as calculated under Section 7, are expected to be less than the increase in estimated market value of the lots, parcels, tracts, or units as a result of the construction of the Project to be financed in part with the proceeds of the Bonds.

(b) Diversity of Property Ownership. There are 564 lots, parcels, tracts, and units in the District. Such lots, parcels, tracts, and units are owned by approximately 203 different owners. Approximately 106 owners own two or more lots, parcels, tracts, or units in the District. The ownership of the properties within the District as reflected in the County's property ownership records as of November 2014 is shown on Exhibit B.

(c) Undeveloped Lots or Tracts. Approximately thirty lots, parcels, tracts, and units in the District are undeveloped.

(d) Comparison of Special Assessments and Property Taxes and Market Value. Information showing market value information for properties within the District is set forth on Exhibit B. None of the lots, parcels, tracts, or units in the District is currently subject to special assessments. The total value of all lots, parcels, tracts, and units in the District as shown on the assessment rolls of the Montana Department of Revenue as of the date of adoption of this resolution is approximately \$118,050,892. The assessed values of the lots, parcels, tracts, or units ranges from \$1,529,375 to \$346; recognizing that in certain instances the Montana Department of Revenue has provided aggregated value for certain lots, parcels, tracts, or units resulting in a value of \$0 for certain associated properties. Of the 564 lots, parcels, tracts, and units in the District, and other than lots, parcels, tracts and units that are exempt from real property taxes, one clearly has an estimated market value ascribed by the Montana Department of Revenue that is less than the total estimated principal amount of the assessment against each lot, parcel, tract, or unit, and approximately 24 are a part of those instances in which the Montana Department of Revenue has provided aggregated values for distinct properties such that the value of each distinct property is not susceptible to determination.

(e) Tax Delinquencies. Public records show that eight lots, parcels, tracts, or units in the District have tax delinquencies.

(f) The Public Benefit of the Project. The Project will result in reduced pollution in the Swan River, Bigfork Bay and Flathead Lake and less flooding and standing water within the County and is of general benefit to County residents as well as of special benefit to the District.

(g) Owner Response. The owners of the lots, parcels, tracts, and units in the District have been presented or have had the opportunity to participate in the presentation of information regarding the creation of the District and costs and the estimated amount of special assessments.

Section 10. Maintenance District. If the District is created, it is the intent of this Board to create simultaneously the Maintenance District for the purpose of assessing the costs of maintaining, preserving or repairing the Project in accordance with the provisions of Sections 7-12-2161 through 7-12-2163, M.C.A. Maintenance will include but is not limited to vacuuming the catch basins, commercial hydrodynamic separator units, and commercial cartridge units, replacing the cartridges in the commercial cartridge units and related maintenance. Maintenance of the Project will be assessed on the basis of an equal amount per lot, parcel, tract, or unit located in the Maintenance District. The special assessment for maintenance of the Project in or serving properties in the Maintenance District for the first assessment year is estimated to be \$29.54 per lot, parcel, tract, or unit. It is expected that the maintenance costs will vary from year to year and that such costs will generally trend upward over time. Each year the County, with



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the assistance of the Engineer, will determine the annual costs for the maintenance of the Project and may adjust the annual maintenance assessment in accordance with Section 7-12-2161, M.C.A., after a public hearing.

Section 11. Reimbursement Expenditures.

11.1. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

11.2. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have been paid by the County before the date 60 days before the date of adoption of this resolution.

11.3. Declaration of Intent. The County reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$1,206,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

11.4. Budgetary Matters. As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

11.5. Reimbursement Allocations. The County Treasurer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

Section 12. Public Hearing; Protests. At any time within thirty-two (32) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of the Project may make and file with the County Clerk and Recorder until 5:00 p.m., M.T., on the expiration date of said 32-day period (December 24, 2014, because of additional time required because of intervening holidays), written protest against the proposed Improvements, or against the extension or creation of the District or both. Such protest must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by him or her. This Board will, at its next meeting after the expiration of the thirty-two (32) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on December 29, 2014 at 10:00 a.m., in the Commissioner Chambers, at the Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana.

Section 13. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in *The Daily Inter Lake*, a newspaper of general circulation in the County, on November 22, 2014 and November 29, 2014, and in the *Bigfork Eagle*, a newspaper of general circulation in the County, on November 26, 2014 and December 3, 2014, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of November, 2014.



Attest:

  
County Clerk and Recorder

  
Chair of the Board of County Commissioners



**WEDNESDAY, NOVEMBER 19, 2014**  
**(Continued)**

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156  
AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 156 BONDS  
OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,206,000  
SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on November 19, 2014, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted Resolution No. 2398 (the "Resolution"), a resolution of intention to create Rural Special Improvement District No. 156 (the "District") for the purpose of financing the costs of certain local improvements (the "Phase IV Improvements") to complete the Bigfork Stormwater Project (the "Project") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Phase IV Improvements would be constructed and installed pursuant to plans and specifications prepared by 48 North, P.C., and approved by the County Engineer.

A complete copy of the Resolution is on file with the County Clerk and Recorder which more specifically describes the nature of the Project, the Phase IV Improvements, the boundaries and the area included in the District, and other matters pertaining thereto and further particulars.

The Project consists of design, engineering, construction, and installation of stormwater improvements, including removal and replacement of the existing conveyance pipe; installation of catch basins with sumps; installation of commercial hydrodynamic separator units; installation of commercial cartridge units; and related improvements.

The County would issue the Bonds having a term not exceeding 20 years in an aggregate principal amount not to exceed \$1,206,000 in order to finance a portion of the costs of the Project, representing a portion of the costs of the Phase IV Improvements and incidental expenses. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$1,206,000 and such payments will be secured by the Revolving Fund. Subject to the limitations of Montana Code Annotated, Section 7-12-2182, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.

All lots, parcels, tracts, and units located in the District will be assessed an equal amount for their share of the total costs of the Project to be financed with proceeds of the Bonds and incidental costs, as authorized in Montana Code Annotated, Section 7-12-2151(d). Accordingly, each lot, parcel, tract, or unit in the District will be subject to a special assessment in the total principal amount of up to \$2,138.30, which amount is exclusive of interest on each special assessment. The District includes properties created as condominiums. For purposes of spreading assessments, each condominium unit is considered a separate parcel of land, subject to separate and equal assessment in the same manner as lots, parcels and tracts of land in the District not created as a condominium, and the lien of the assessment shall attach to each condominium unit.

If an increase occurs in the number of benefited lots, parcels, tracts, or units within the boundaries of the District during the term of the Bonds, the Board will recalculate the amount assessable to each lot, parcel, tract, or unit. The recalculation will be based on the amount of the District's outstanding principal of and interest on the Bonds for the current fiscal year and the County will spread the assessments across the District based on the number of benefited lots, parcels, tracts, or units within the boundaries of the District as of the July 1 following the action that resulted in the increase in the number of benefited lots, tracts, or parcels, all as provided in Section 7-12-2151(4), M.C.A.

On Monday, December 29, 2014, at 10:00 a.m., in the Commissioner Chambers, at the Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation or extension of the District, or the making of Improvements that may be filed in the period hereinafter described.

If the property subject to assessment is not a condominium unit, (i) written protests against the creation or extension of the District and the completion of the Project by the undertaking of the Phase IV Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Project; and (ii) as provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property.

If the property subject to assessment is a condominium unit, a written protest against the creation of the District and the completion of the Project by the undertaking of the Phase IV Improvements must be made in accordance with 7-12-2141, Montana Code Annotated. Protests by condominium unit owners are not to be made by individual unit owners; rather, if owners of condominium units desire to protest, they need to work through the condominium owners' association. For a protest to be valid, the protest must be made through the president, vice president, secretary or treasurer of the condominium unit owners association who presents (a) a writing that identifies the condominium property, (b) the condominium documentation that shows how the votes of unit owners are calculated, (c) original signatures of unit owners sufficient to constitute an affirmative vote of the condominium owners' association under the condominium documents, and (d) a certificate signed by the president, vice president, secretary, or treasurer of the condominium owners' association certifying that the votes of the unit owners as evidenced by the signatures of the owners are sufficient to constitute an affirmative vote of the condominium owners' association to protest against the proposed work or creation of the District.

All protests must be delivered to the County Clerk and Recorder at 800 S. Main Street, Kalispell, Montana not later than 5:00 p.m., M.T., on December 24, 2014. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt.

Further information regarding the proposed District or the Bonds or other matters in respect thereof may be obtained from the Board thereof may be obtained from the Board of County Commissioners at 800 South Main, Kalispell, Montana, or by telephone at (406) 758-5503.

Dated: November 19, 2014.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS  
OF FLATHEAD COUNTY, MONTANA

County Clerk and Recorder

**WEDNESDAY, NOVEMBER 19, 2014  
(Continued)**

**CONTINUATION OF DOCUMENT FOR SIGNATURE: DNRC RRG-15-1642 CONTRACT/BIGFORK STORMWATER BRIDGE STREET PROJECT**

**9:50:00 AM**

Present: Commissioner Calvin L. Scott P.T., Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Grant Writer Debbie Pierson, Clerk DeReu

Absent: Commissioner Pamela J. Holmquist

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott P.T. **seconded** the motion. Motion carried by quorum.

**FIRST READING OF ANIMAL CONTROL ORDINANCE NO. 3**

**9:45:00 AM**

Present: Commissioner Calvin L. Scott P.T., Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk DeReu

Commissioner Krueger made a **motion** to remove the item from the agenda for consideration at a later date. Commissioner Scott P.T. **seconded** the motion. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL: REVISED JOB DESCRIPTION-RECEPTIONIST/AOA**

**9:48:00 AM**

Present: Commissioner Calvin L. Scott P.T., Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk DeReu

Absent: Commissioner Pamela J. Holmquist

Commissioner Krueger made a **motion** to approve the H.R. Transmittal/ revised job description Receptionist, AOA. Commissioner Scott P.T. **seconded** the motion. Motion carried by quorum.

**9:00 a.m.      RSVP Board meeting @ Heritage Place**  
**11:00 a.m.      County Attorney meeting @ Co. Atty's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 20, 2014.

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**THURSDAY, NOVEMBER 20, 2014**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**9:00 a.m.      Commissioner Scott: CDC Strategic Planning meeting in Missoula**  
**1:00 p.m.      Health Board meeting @ EBB**  
**5:30 p.m.      Fair Board special meeting @ Fairgrounds 4-H Bldg.**  
**6:30 p.m.      Fair Board meeting @ Fairgrounds 4-H Bldg.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 21, 2014.

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**FRIDAY, NOVEMBER 21, 2014**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**9:00 a.m.      Commissioner Holmquist: Recount of Flathead County 911 Referendum @ Country Kitchen**  
**10:00 a.m.      Commissioner Scott: Mental Health Council & CDC meetings in Missoula**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 24, 2014.

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